

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAVID W. RIGGINS a/k/a DAWUD  
HALISI MALIK,

Plaintiff,

V.

DAN PACHOLKE, et al.,

## Defendants.

Case No. C10-5147BHS

## ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 71) and Plaintiff’s objections to the R&R (Dkt. 72).

On May 23, 2011, Judge Strombom issued the R&R finding that Plaintiff had failed to show that he suffered the deprivation of a constitutional right and recommending that Defendants' motion for summary judgment be granted. Dkt. 71. On June 3, 2011, Plaintiff filed objections. Dkt. 72. On June 14, 2011, Defendants responded. Dkt. 73. On June 21, 2011, Plaintiff filed another response. Dkt. 74.

Although Plaintiff objects to the R&R, he fails to show that he suffered the deprivation of a constitutional right. The Court recognizes that Plaintiff was successful in overturning and eventually seeking dismissal of the alleged prison infraction against him. Plaintiff, however, fails to show that the increased level of confinement that he was subjected to during that process violated any protected constitutional right. The objections, therefore, are without merit.

## ORDER – 1

1           The Court having considered the R&R, Plaintiff's objections, and the remaining  
2 record, does hereby find and order as follows:

3           (1)     The R&R is **ADOPTED**;

4           (2)     Defendants' motion for summary judgment is **GRANTED**; and

5           (3)     This action is **DISMISSED with prejudice**.

6           DATED this 5<sup>th</sup> day of July, 2011.



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9           BENJAMIN H. SETTLE  
United States District Judge